

## ARBITRATION OF CLAIMS OF AMERICAN CITIZENS FOLLOWING PORT-AU-PRINCE RIOTS

*Exchange of notes at Port-au-Prince February 11–March 7, 1885,  
enclosed in dispatch of March 17, 1885, from the American Minis-  
ter at Port-au-Prince to the Secretary of State*

*Entered into force March 7, 1885*

*Terminated November 30, 1887*<sup>1</sup>

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*The American Minister to the American Secretary of State (Thomas F.  
Bayard)*

LEGATION OF THE UNITED STATES  
PORT-AU-PRINCE, HAYTI, March 17, 1885

No. 723

SIR: I have the honor to bring to your attention that, after protracted and persistent effort, involving a great amount of verbal and written discussion regarding the general mode and details of considering, determining, and settling the claims of the American citizens sustaining losses of property in connection with the events of the 22d and 23d days of September, 1883, at Port-au-Prince, agreement has been reached between the Haytian Government and this legation, substantially upon the principles and conditions contained in my memorandum, as approved by the Department, submitted to this Government by me on the 15th of July, 1884, with regard thereto, as you will find fully set forth in the correspondence which has passed between Mr. St. Victor and myself, copies of which are herewith transmitted.

I also inclose a brief but important letter addressed to me from Mr. Charles Weymann, containing an explanation of a clause found in Mr. St. Victor's dispatch of the 25th of February, 1885, with regard to the discount to be made upon the claims of our citizens allowed by the commission.

It will be seen that I consent to submit these claims to a mixed commission, composed of four persons, two Haytian and two American citizens—Messrs. B. Lallemand and C. A. Preston, Haytians, and Messrs. Charles Weymann and Dr. John B. Terres, Americans; that the nationality or citizenship of our citizens is not to be called in question before the commission; that

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<sup>1</sup> Date of final payment; see Moore, *International Arbitrations*, vol. II, p. 1859.

the estimates of value of property destroyed are to be made and paid in American money or its equivalent in current funds, and that upon a discount of 10 per cent. upon the several amounts allowed by the commission such allowances are to be paid at once. Such conditions will appear fully set out in the dispatch of Mr. St. Victor of February 25, 1885.

Upon such conditions being fully understood and accepted it will be perceived that I consent to the instructions which the honorable secretary of state of foreign affairs has seen fit to give in formal manner to the Haytian members of the commission. There can be no objection to the instructions as formulated and understood by us. I transmit, as herewith inclosed, a copy and translation of them.

It is unnecessary, as I conceive, after this full and to some extent special allusion to and mention of the contents of the correspondence referred to, to particularize as to the subject-matter of each particular dispatch, letter, and paper constituting the inclosures to this dispatch, especially since they pertain to the one general matter coming in the natural order of the debate thereupon, in accordance with their respective dates.

It is to be regretted that, just as the debate closed between us on this subject and we were ready to proceed at once to take the very last step in order to the submission of the claims to the commission, as constituted and agreed, on the 7th instant, Mr. St. Victor was called, by the sudden and sad news of the extreme sickness and probable death of his son, to leave hurriedly his official duties and his country to seek and care for his child at Paris. However, Mr. Brenor Prophète, his colleague of the department of state of war and marine, who has been charged with the department of state of foreign relations, assures me that the matter shall be taken up at once where Mr. St. Victor left it, and that the claims of our citizens shall be examined, determined, and paid according to the agreement reached by his colleague and myself.

I shall press the matter; but should the final settlement be a little delayed, it is really determined and must shortly be accomplished.

Ours are the only citizens losing property, as indicated, who have not been forced, under the arrangements finally made by their different diplomatic representatives, and approved by their several governments, to wait six years for the payment of their claims, and to take such payment at last in Haytian money.

I am, &c.,

JOHN MERCER LANGSTON

## ENCLOSURES

*The American Minister to the Secretary of State for Foreign Relations  
(B. St. Victor)*

LEGATION OF THE UNITED STATES  
PORT-AU-PRINCE, HAYTI, *February 11, 1885*

SIR: According to the understanding already had between us, I have the honor to advise you that I have selected the American citizens Messrs. Charles Weymann and Edward Cutts, of this city, as members on behalf of the Government of the United States of the mixed commission, to be constituted by us to consider and determine the amount due the American citizens, severally, whose property was destroyed at Port-au-Prince, on the 22d and 23d days of September, 1883, in connection with the events occurring in this city at that time. It would please me to meet you at an early day to determine when and where the commission, when organized, shall hold its sessions.

I am, &c.,

JOHN MERCER LANGSTON

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*Mr. St. Victor to Mr. Langston*

[TRANSLATION]

DEPARTMENT OF STATE OF FOREIGN RELATIONS  
PORT-AU-PRINCE, *February 12, 1885*

MR. MINISTER: In accordance with the agreement existing between us since Sunday, the 25th of last month, and confirmed by your dispatch of the 11th instant, received yesterday, I have the honor to advise you that, with Messrs. Charles Weymann and Edward Cutts, whom you have named, will be joined Messrs. B. Lallemand, president of tribunal of cassation, and C. A. Preston, designated by the Government of the Republic to form a mixed commission to which shall be submitted the American reclamations growing out of the events of September 22 and 23, 1883.

I have the honor in consequence to communicate to you, herewith inclosed, the text of the instructions in conformity with which the commission should examine such reclamations.

I do not doubt, Mr. Minister, that you will ratify these instructions, which are drawn up according to justice and equity. Thus have I the hope that your next response to this communication will express your entire compliance.

In that which concerns the sessions of the mixed commission, I would add that it will itself choose its place and will fix the day and hour of its meetings.

You will accept, &c.,

B. ST. VICTOR

*The Secretary of State for Foreign Relations to the Haitian Members of the Mixed Commission (B. Lallemant and C. A. Preston)*

[TRANSLATION]

DEPARTMENT OF STATE OF FOREIGN RELATIONS  
PORT-AU-PRINCE, *February 12, 1885*

MESSRS. AND ESTIMABLE FELLOW CITIZENS: The greatest interests of the nation find themselves placed in your hands by the exalted and delicate mission whereof today you are charged. The Government has counted in the circumstance upon your patriotism and your intelligence, and it hopes that you will give to its service all the activity of which you are able to dispose to bring to a desirable end the conferences which you are about to open.

I ought not to pretend to mark out in these few lines a complete code of instructions to follow in the exercise of your duty; it imports only that I bring to your attention some essential points of the matter to be settled, to tell you how so far it has been met by the Government. That will be to initiate you into its views and its aspirations.

It is sought, as you know, to fix the figures of the indemnities to be accorded to foreigners whose interest has been directly destroyed at the times of the events which took place the 22d and 23d September of last year at Port-au-Prince.

While leaving the responsibility of these scenes of disorder, pillage, and conflagration to the rioters of those days, the Government has determined that at present it is its duty to avoid all difficulties, all unhappy complications with the foreign powers, it has itself, in anticipation of reclamations, declared that it recognized the principle thereof, happy to give in the circumstance the most complete affirmation of its firm purpose to offer every security to foreigners and to capital which immigrate into the country. This principle admitted, it remains to approach in unity all the elements of indisputable appreciation the discussion of the figure of the indemnities with the foreign commission, the members of which, Messrs. Weymann and Edward Cutts, have been designated by the chief of the American legation of this city.

The work of the mixed commission shall not be subject to revision. You ought to judge sovereignly and without appeal, and it will suffice to express to you a just idea of the high confidence which is placed in you and which commands you, by consequence, to employ all care, all discernment, all tact, all equity necessary in the solutions to intervene. You are armed with powers of a court of arbitration judging in last resort, and in case of an equal division of votes upon the indemnities to be fixed it will be your duty to name an umpire to give you a casting vote.

From powers so extended, you will permit me to repeat it to you, follows the obligation for you to neglect nothing to furnish you with all the elements of nature to cast the most lively light upon the facts which you are going to

examine, and the deplorable consequences which have been the result thereof. It is to sources of information the most fruitful, and at the same time the most pure, that you ought to have recourse to settle your judgments upon a just and equitable basis.

After the preparatory work, which will consist necessarily in making a list of the claimants, in placing opposite each name the figure of the indemnity demanded, you will make an exposé of the facts of the reclamation, supported by all the proofs. It is then that the debates contradictory can be opened and that a conscientious and profound examination shall fix your judgment.

You ought not to lose from view that the object of your mission consists in determining the figure of the indemnities to be accorded to foreigners whose interests have been directly destroyed by the fact of pillage or conflagration resulting from the events occurring the 22d and 23d of September, of the year 1883, at Port-au-Prince.

It is enough to tell you that you ought to declare the rejection of reclamations founded upon indirect damages resulting from the same facts. There is no further controversy upon the solution of these questions. Recent examples are there to form it.

With your powers already so extended, the Government confers upon you the right of inquiry without limits. This shall be therefore the principal point of your operations, and it imports that you shall exercise that right in the largest manner to be exactly informed in your examination. Seek again carefully, with all the means possible, the proofs which you shall lack; call and interrogate witnesses; enlighten your judgment by drawing from all the sources worthy of confidence, and notably from official sources, which cannot fail you.

Is the loss of merchandise discussed? In the absence of valid balance-sheets, or all other sufficient papers, the documents of the custom-house, will they not offer you the necessary provisions of a just appreciation of the nature and of the importance of the commerce of the claimant?

I confine myself to this example, as it will belong to you, certainly, to generalize in addressing yourselves to other public administrations if necessity should make itself felt in that regard.

Such are, in substance and in a manner evidently abridged, the general instructions which should serve as a guide to your operations. At the close of your conferences you will prepare a report in detail, to which should be annexed all the minutes of your sessions, &c. If, in the course of your investigations, any points of detail, which I have not been able to anticipate, should arise to hinder the progress thereof, you will be good enough to present them to me. I will make haste to have an understanding on such subject with Mr. Langston, minister of the American Government, and I am persuaded, with the spirit of good will, of conciliation, of justice, which animates him, there will be no lack of understanding on his part with me to settle the difficulties

and place you in a position to accomplish to the general satisfaction the difficult and important mission with which you are charged.

The present instructions have been communicated to the minister of the United States of America who entirely adheres to them; you can then from their reception betake yourself to your labors.

Accept, &c.,

B. ST. VICTOR

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*Mr. Langston to Mr. St. Victor*

LEGATION OF THE UNITED STATES  
PORT-AU-PRINCE, *Hayti*, February 14, 1885

SIR: In acknowledging the receipt of your dispatch of the 12th instant, having reference to the mixed commission to be organized to consider and determine the claims of American citizens for property destroyed in connection with the events occurring at Port-au-Prince on the 22d and 23d days of September, 1883, I have the honor to state that I do not and cannot accept the instructions which, as presented in the inclosure to your dispatch, you ask me to approve as proper, to be given to the commission to be appointed for the purpose indicated.

You are fully aware, Mr. Minister, of the conditions and terms expressed verbally by you and myself on this subject, and you must appreciate the fact that the old instructions heretofore employed by you in the case of commissioners engaged under other circumstances can have no just application in regard to the matters to be adjudicated between us.

I await your further pleasure in the premises.

I am, &c.,

JOHN MERCER LANGSTON

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*Mr. Langston to Mr. St. Victor*

LEGATION OF THE UNITED STATES  
PORT-AU-PRINCE, *Hayti*, February 21, 1885

SIR: In acknowledging the receipt of your amended instructions by the hand of Mr. Weymann, to the members of the mixed commission named by you to replace the former instructions, which, according to your desire, I herewith return, always holding in mind the verbal understanding to which we have come in the premises, I have the honor to advise you that I am content to proceed to the examination and settlement of the indemnities of American citizens for property lost in connection with the events of the 22 and 23 days of September, 1883, at Port-au-Prince, before the Commissioners, Messrs. Lallemand and Preston, as named by you, and Messrs. Wey-

mann and Cutts, as named by me, they have the power, conjointly in case of their inability to agree upon the indemnity, to be allowed to name an umpire to act with them upon such matter.

With the renewal, &c.,

JOHN MERCER LANGSTON

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*Mr. St. Victor to Mr. Langston*

[TRANSLATION]

DEPARTMENT OF STATE OF FOREIGN RELATIONS  
PORT-AU-PRINCE, *February 24, 1885*

MR. MINISTER: Have the goodness to return to me the letter of February 14, instant, that I had remitted to Mr. Charles Weymann, our interpreter in the conference of January 25, last, with the request that he would make certain observations to you on its contents.

Accept, &c.,

B. ST. VICTOR

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*Mr. Langston to Mr. St. Victor*

LEGATION OF THE UNITED STATES  
PORT-AU-PRINCE, *Hayti, February 24, 1885*

SIR: In acknowledging the receipt of your dispatch of this date, having reference to the return of your letter of the 14th instant, sent me by Mr. Charles Weymann, I have the honor to advise you that I cannot consent to the return of such letter; for, as I have advised you already, I am ready and await your action to have the mixed commission agreed to by us to proceed with the consideration and determination of the claims of American citizens losing property in connection with the events of the 22d and 23d days of September, 1883, in Port-au-Prince.

Awaiting your response, I am, &c.,

JOHN MERCER LANGSTON

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*Mr. St. Victor to Mr. Langston*

[TRANSLATION]

DEPARTMENT OF STATE OF FOREIGN RELATIONS  
PORT-AU-PRINCE, *February 25, 1885*

MR. MINISTER: I have the honor to acknowledge the receipt of your dispatch of the 24th instant, and to assure you once more of the desire of my Government to arrive with you at a definite understanding as to the settle-

ment of the American indemnities, the only ones connected with the events of the 22d and 23d September, 1883, which remain for us to settle.

There is certainly in the last correspondence which we have exchanged in that regard a misunderstanding, which it is our interest to remove as soon as possible.

In refusing to return to me the dispatch which you had addressed me the 14th instant, and which I had returned to Mr. Charles Weymann, our interpreter at the conference of the 25th of January, charged to make to you in that respect communications in the name of the Government, you seem to declare that you withdraw it, and that it ought to be, by consequence, considered null and void.

I would not insist more thereupon, and I would arrive at the points of our verbal agreement, as you recall it relative to the American indemnities to be fixed by the mixed commission established by common agreement between us.

It is a fact that the modifications made in my previous instructions to the Haytian commissioners were commanded by the force of the circumstances or by the delay occasioned in the examination of your claims.

There is no further need, 1st, to occupy myself with the mode of payment of the indemnities, since the legislative chambers have already pronounced themselves in that regard; 2d, to determine on the other part the money which should serve to pay those indemnities, since it has been agreed between us, after the observations which you have made me and which I have admitted, that this ought to be American money or its equivalent—that is to say, all other money augmented by the ordinary or current premium on the day of payment; 3d, to discuss the nationality of certain of your claimants, for thereupon the understanding was perfect between us, since after examination I have admitted such nationality for all.

Besides not to violate openly the law voted and to observe as far as possible its provisions, we have agreed that the commercial house of our interpreter, who assisted so willingly in this arrangement, should redeem, less a small discount, the sums allowed, which should be thus paid in cash.

All these points being settled in a definitive manner, and this verbal agreement, noted here in all letters, but not being able to give place to any divergence of views, I come to pray you, Mr. Minister, in replying to my present dispatch, to assure me that you are completely in accord with me, both upon my instructions to my commissioners, which should serve as a basis to the labors of our mixed commission, and upon the adoption of the money to be paid (*libératoire*) as well as upon the mode of payment whereof I have spoken to you above.

In the hope of a prompt reply, I reiterate to you, &c.,

B. ST. VICTOR



*Mr. Langston to Mr. St. Victor*

LEGATION OF THE UNITED STATES  
PORT-AU-PRINCE, *Hayti*, February 25, 1885

SIR: Upon a second and careful reading of your dispatch of the 24th instant, I discover that I made a very great mistake in so reading it as to make it refer to a supposed dispatch which you had written to me.

I make haste, therefore, to correct such mistake as it appears in my dispatch addressed to you yesterday, and transmit, as herewith inclosed, my dispatch of February 14, which you did return to me by Mr. Charles Weymann, to be replaced by my dispatch dated February 21, 1885, according to my understanding.

Of course, Mr. Minister, the other part of my dispatch, addressed you yesterday, which respects my readiness to proceed, upon our understanding as settled on the 25th of January last, and as understood and guarded for us by our good mutual friend Weymann, to the examination and settlement of the claims in debate, before the commissioners agreed between us, will stand as written.

And you will permit me to say to you, in all candor and sobriety, and, as I trust, with becoming respect, I regard your agreement of the 25th of last January, as regards the mode of examining and determining the claims referred to, including the manner, time, and kind of money, as agreed and fixed between us and adopted in their payment, as binding upon us in all honor; and that it is our duty to proceed, accordingly, at once.

I stand ready and willing so to do.

With sentiments, &c.,

JOHN MERCER LANGSTON

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*Mr. Langston to Mr. St. Victor*

LEGATION OF THE UNITED STATES  
PORT-AU-PRINCE, *Hayti*, February 27, 1885

SIR: Your dispatch of the 25th instant was received by me at 11 o'clock yesterday morning. I beg to advise you at once that it is necessary, owing to the proposed absence of Mr. Cutts, to replace him by Dr. J. B. Terres upon the commission we would constitute. I have no doubt of your agreement to the substitution of Dr. Terres, made necessary as indicated.

When shall the commission convene? I hope as early as next Monday, at such hour as may suit their convenience, say at 3 o'clock in the afternoon, and at this legation.

I await your pleasure.

I am, &c.,

JOHN MERCER LANGSTON

*Mr. St. Victor to Mr. Langston*

[TRANSLATION]

DEPARTMENT OF STATE OF FOREIGN RELATIONS

PORT-AU-PRINCE, *February 28, 1885*

MR. MINISTER: I have had the honor to receive your dispatch of the 27th instant.

After the precise explanations which the letter that I addressed to you on the 25th instant contains on the subject of our agreement and the instructions which should serve as a basis for the labors of the mixed commission charged to examine the American reclamations, particularly after your dispatch of February 21, informing me on this agreement and its due consequences, I hoped that the present dispatch, of which I now acknowledge the receipt, would confirm in a complete manner the points which are contained in my official communication of the 25th.

However, your last dispatch touches on the subject of the mixed commission, but without saying one word in confirmation of what I had urgently demanded.

I therefore again request you to have the kindness to let me know if you accept entirely my instructions to the commissioners, the money proposed, and the manner of payment.

I consent to the choice which you have made of Dr. J. B. Terres to replace Mr. Cutts.

In regard to the meetings of the commission, I have already had the honor, in answering a like question from you, to say that it is the commission which shall fix them.

Awaiting an immediate response, which I beg you to send me, please accept &c.,

B. ST. VICTOR

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*Mr. Langston to Mr. St. Victor*

LEGATION OF THE UNITED STATES

PORT-AU-PRINCE, *Hayti, March 2, 1885*

SIR: In acknowledging the receipt of your dispatch received late last Saturday afternoon, and dated February 28, 1885, I have the honor, upon careful reading and consideration thereof, to ask your definite and concise explanation of the meaning and scope of the following clause of your dispatch of the 25th ultimo:

"Besides, not to violate openly the law voted, and to observe as far as possible its provisions, we have agreed that the commercial house of our interpreter, who assisted so willingly in this arrangement, *should redeem, less a small discount, the sums allowed, which should be thus paid in cash.*"

You will please mark the words which I underscore. Their meaning, as you employ them here, I wish to know.

Awaiting your reply, I am, &c.,

JOHN MERCER LANGSTON

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*Mr. St. Victor to Mr. Langston*

[TRANSLATION]

DEPARTMENT OF STATE OF FOREIGN RELATIONS

PORT-AU-PRINCE, *March 6, 1885*

MR. MINISTER: I have the honor to inform you that I have lately seen Mr. Weymann, whom I have asked to explain to you the meaning of the paragraph of my dispatch of the 25th of February, presented in your letter of the 2d March.

Mr. Weymann has declared to me that he has given effect to my prayer, and that to-day everything is understood between us on the subject of the basis to be adopted for the settlement of the American reclamations connected with events of September, 1883.

I pray you, therefore, Mr. Minister, to be good enough to confirm to me this understanding upon all the points of the question, and upon the instructions to be given to the mixed commission, as I have reiterated to you, the request to do so in my dispatch of the 28th February last.

You will accept, &c.,

B. ST. VICTOR

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*An American Member of the Mixed Commission to the American Minister*

PORT-AU-PRINCE, *March 7, 1885*

DEAR MR. MINISTER: As already stated to you verbally, the agreement referred to by the honorable secretary of foreign affairs, in his yesterday's dispatch addressed to you, is the following:

"As soon as the mixed commission will have agreed upon the amounts to be allowed for the American claims, for losses sustained in September 1883, such amounts will be paid by his care, to you, in cash, less a discount of 10 per cent."

Yours, respectfully,

CH. WEYMANN

*Mr. Langston to Mr. St. Victor*

LEGATION OF THE UNITED STATES  
PORT-AU-PRINCE, *Hayti*, March 7, 1885

SIR: In acknowledging the receipt of your dispatch of yesterday, I have the honor to state that Mr. Weymann has given me full explanation of the clause of your dispatch of the 25th ultimo, referred to in mine of the 2d instant; and now I am content, upon such explanation, to accept and approve your instruction to the Haytian commissioners, a copy of which you have heretofore sent me, and I accept the terms and conditions presented by you in your dispatch of the 25th ultimo, as constituting the bases upon which to adjust and settle the claims of American citizens referred to therein.

If convenient, may the commission commence its labors on Monday next.

I am, &c.,

JOHN MERCER LANGSTON